

REMARKS

The January 16, 2007 Office Action was based upon pending Claims 1-45. This response amends Claims 1, 5, 15, 21-24, 26, 37, 39, and 45. In addition, this response cancels Claims 20, 35, and 38. Thus, after entry of this response, Claims 1-19, 21-34, 36, 37, and 39-45 are pending and presented for further consideration.

Response to Rejections under 35 U.S.C. § 103(a)

The Office Action rejected Claims 1-19, 24-37, and 40-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0245330 to Swift et al. ("Swift") in view of U.S. Patent Publication No. 2003/0056104 to Carr et al. ("Carr"). Applicant submits that Claims 1-19, 24-37, and 40-45 are patentable over the combination of Swift and Carr because the combination fails to teach every element recited in the claims.

Claim 1

Applicant submits that Claim 1 is patentable over the combination of Swift and Carr because the combination fails to teach every element of Claim 1. For example, the combination of Swift and Carr fails to teach "determining a risk score based at least in part on... the information about the location associated with the check." Applicant further notes that a similar limitation was recited in previously pending Claim 20, which was found to be allowable.

Claims 2-4

Claims 2-4 each depend from independent Claim 1 and are patentably distinguished from the combination of Swift and Carr for at least the same reasons set forth with respect to Claim 1, and because of the additional features recited therein.

Claim 5

Claim 5 is patentable over the combination of Swift and Carr for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claims 6-14

Claims 6-14 each depend from independent Claim 5 and are patentably distinguished from the combination of Swift and Carr for at least the same reasons set forth with respect to Claim 5, and because of the additional features recited therein.

Claim 24

Claim 24 is patentable over the combination of Swift and Carr for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Claim 25

Claim 25 depends from independent Claim 24 and is patentably distinguished from the combination of Swift and Carr for at least the same reasons set forth with respect to Claim 24, and because of the additional features recited therein.

Claim 26

Applicant submits that Claim 26 is patentable over the combination of Swift and Carr because the combination fails to teach every element of Claim 26. For example, the combination of Swift and Carr fails to teach "receiving information about at least one authenticating mark on a negotiable instrument... wherein the information comprises a front and back image of the authenticating mark." Applicant further notes that a similar limitation was recited in previously pending Claim 38, which was found to be allowable.

Claims 27-34 and 36

Claims 27-34 and 36 each depend from independent Claim 26 and are patentably distinguished from the combination of Swift and Carr for at least the same reasons set forth with respect to Claim 26, and because of the additional features recited therein.

Claim 45

Claim 45 is patentable over the combination of Swift and Carr for reasons similar to those set forth with respect to Claim 1, and because of the additional features recited therein.

Allowable Subject Matter - Claims 20-23, 38, and 39

The Office Action stated that Claims 20-23, 38, and 39 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the record, Applicant desires to note that in cases where the statement of reasons for allowance paraphrases or omits claim limitations, it is the claim as a whole that is determined to be patentable and not any specific limitation.

Claim 15

With this amendment, Applicant has incorporated the limitations of Claim 20 into independent Claim 15. Thus, Claim 15 now contains all of the limitations of allowable Claim 20.

Claims 16-19, 21, and 22

Claims 16-19, 21, and 22 each depend from independent Claim 15 and are patentably distinguished from the combination of Swift and Carr for at least the same reasons set forth with respect to Claim 15, and because of the additional features recited therein.

Claim 23

Claim 23 was found to contain allowable subject matter and has been rewritten in independent form to include all of the limitations of its rejected base claim.

Claim 37

With this amendment, Applicant has incorporated the limitations of Claim 38 into independent Claim 37. Thus, Claim 37 now contains all of the limitations of allowable Claim 38.

Claims 40-44

Claims 40-44 each depend from independent Claim 37 and are patentably distinguished from the combination of Swift and Carr for at least the same reasons set forth with respect to Claim 37, and because of the additional features recited therein.

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Claim 38

Claim 38 was found to contain allowable subject matter and has been rewritten in independent form to include all of the limitations of its rejected base claim.

CONCLUSION

In light of the foregoing remarks, Applicant submits that Claims 1-19, 21-34, 36, 37, and 39-45 are in condition for allowance, and such action is earnestly solicited. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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